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March 6, 2023

The Honorable Mary Kay Vyskocil
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/6/2023

Re: 1:22-cv-04668-MKV; Plaintiff's Fourth Request for an Extension of Time Within Which to Effectuate Service

Dear Judge Vyskocil,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On June 6, 2022, Plaintiff filed the instant case against John Doe subscriber assigned IP address 98.7.45.226 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On June 17, 2022, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP ("Motion for Leave"). [CM/ECF 5].

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff was originally required to effectuate service on the Defendant no later than September 6, 2022. Because Plaintiff's Motion was pending at the time, on September 7, 2022, Plaintiff filed its First Letter Motion for Extension of Time Within Which to Effectuate Service of Process on John Doe Defendant ("First Motion for Extension"). [CM/ECF 7].

On September 7, 2022, the Court granted Plaintiff's First Motion for Extension, extending the deadline to effect service of process to November 5, 2022. [CM/ECF 8].

On November 7, 2022, Plaintiff filed its Second Letter Motion for Extension of Time Within Which to Effectuate Service of Process on John Doe Defendant ("Second Motion for Extension"). [CM/ECF 9].

On November 8, 2022, the Court granted Plaintiff's Second Motion for Extension, extending the deadline to effect service of process to January 4, 2023. [CM/ECF 10].

On January 4, 2023, Plaintiff filed its Third Letter Motion for Extension of Time Within Which to Effectuate Service of Process on John Doe Defendant ("Third Motion for Extension"). [CM/ECF 11].

On January 5, 2023, the Court granted Plaintiff's Third Motion for Extension, extending the deadline to effect service of process to March 5, 2023. [CM/ECF 12].

On January 19, 2023, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP to obtain Defendant's identifying information. [CM/ECF 13]. Plaintiff served the subpoena on January 27, 2023 and, in accordance with the time allowances provided to both the Defendant and the ISP, expected to receive the ISP's response on or about February 21, 2023.

Plaintiff will follow-up with the ISP regarding the overdue response within the next few days.

Plaintiff respectfully requests that the deadline to effect service be extended for an additional sixty (60) days, and thus the deadline to effect service be extended to May 4, 2023. This extension should provide Plaintiff time to receive the ISP response, conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint and attempt to effect service of process on that individual.


For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended to May 4, 2023.

Respectfully Submitted,

By: /s/Jacqueline M. James
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Granted. SO ORDERED.

Date: 3/6/2023
New York, New York


Mary Kay Vyskocil
United States District Judge